

NEARLY HALF OF THE STATES ARE NOW ON THE WATER WAGON

Here Are the Facts of Prohibition That Gladden or Sad-den, Depending on the Point of View--What the Opposing Forces Say About Them

FOUR States voted to go dry on the recent and vividly remembered election day. With them—Michigan, Montana, South Dakota and Nebraska—there are twenty-three States now in the white ribbon ranks and twenty-three States, as a little rapid calculation will show, constitute but one less than half the entire number in the Union.

Nor is this all. When Utah fulfills the clear prophecy made by the election of a dry Governor and Legislature the number will be twenty-four, which still makes it fifty-fifty.

Also just to pile on the agony or the joy, according to the point of view of the observer, when Florida does the expected for the same reason as Utah the foes of the demon rum will have captured twenty-five States and will have a majority of one.

Now, whether this situation is viewed with pride, pointed at with alarm or surveyed with supreme indifference, it is obvious that the liquor traffic, to speak, has had a considerable jolt.

Prohibition has assuredly made strides. By the census of 1910 the population of the prohibition States was 32,306,341. By the same count the population of the wet States was 35,455,925, which is the other side of the shield. The stronghold of the saloon is plainly the populous centers. Detroit when the Michigan law takes effect will be the largest city under prohibition rule. The greatest States and the greatest cities have not gone dry. Will they? The answer is, Who knows?

The Anti-Saloon League goes up maps each year showing the situation. The prohibition areas are in white and the wet areas in black. The maps have been growing whiter and whiter until now with only the wet counties and cities and townships in the States which do not have total prohibition painted black the United States looks as if it had a few large blotches and a lot of freckles.

While all this has been going on the average New Yorker—meaning by "New Yorker" the two-legged, subversive animal, not the up-State species—has been very little interested. He has read about it in the papers or maybe he hasn't. At any rate it was to him just one of those curious things they are always doing in Kansas or Nebraska or Alabama. Probably he wouldn't believe it if told that New York State, by vote of its small communities, put more saloons out of business on October 1 of this year than South Dakota did when that whole State went dry on November 7.

Yet it is true. One hundred New York townships put 600 saloons out of business on that date, which is, to be precise, about three times as many saloons as all South Dakota can show. Getting near home, isn't it?

It may get even closer to The Bronx—that baffling frontier between us and the hinterland—for the annual prohibition fight before the Legislature, so ancient a fixture as to have become a classic, and like the classics, ignored by the average reader, is to be pushed this winter with renewed vigor.

The assault in New York is to be upon the peculiar situation existing under the Raines law, whereby the only unit which can vote on the question of whether it wants saloons or not is the township, or as it is called in legal parlance, the town. No incorporated city can vote on the question. There is a bill which is annually introduced to make it possible for Assembly districts in the greater city to vote independently on this question. Then there is the remonstrance bill.

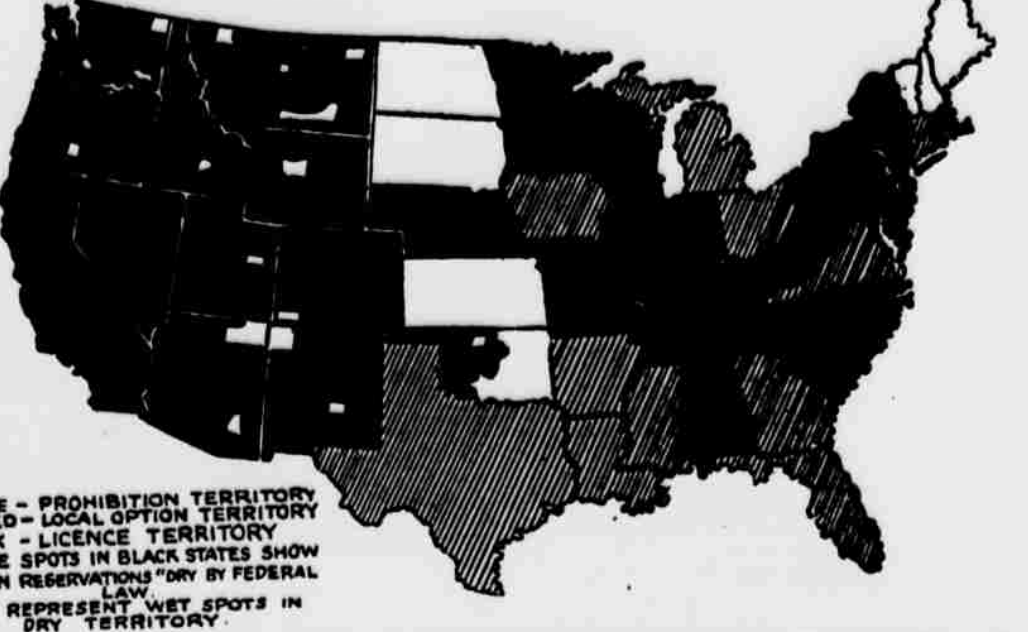
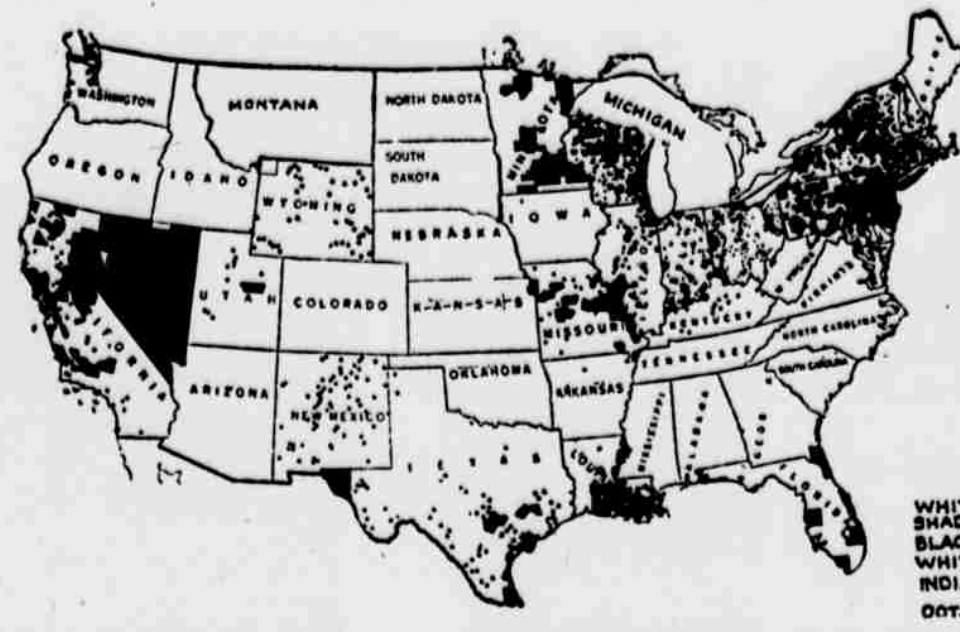
The remonstrance bill is a clever piece of law framing. Even its enemies admit that. It gives every citizen the right to give voice to his opinion on the saloon question without raising the question of suffrage. It does it in this way:

A method is provided for registering women who have the qualifications of men voters, but they are to be registered on different days from the men's registration days. Then, if a petition of 51 per cent. of the registered men and women in any given unit asks for the expulsion of saloons in that unit of territory and if at a hearing the signatures are proved valid and so on, why out go the saloons.

It is pointed out that women property holders have the right to sign the necessary consent for a saloon, such consent being required from the owners of two-thirds of the number of buildings within 200 feet of the saloon. If women may give consent for the creation of a saloon why may they not pass on the question of its abolition? That is the reasoning of the supporters of this measure.

Gov. Whitman has been quoted as saying that he believes every community should have the right to pass on the saloon question, and the drys use this quotation as evidence that they will have his support this winter.

How many of us keep brushed right up on our history? Hands up, please. All of us? That's very satisfactory. Well, then, all of us surely remember that New York State once voted to go dry—the whole State. Honest! It was



only because there was some technical flaw in the election that the catastrophe, reform (alternative words) was prevented. It was back in the '20s.

What if it had gone through and stuck! Manhattan an arid isle—nothing but tea in the tango tea parlors, sarsaparilla along the G. W. Way—and how would a cabaret look to a man with nary a drink?

The wave has been rising, rising—the dry wave, a metaphor which should be shaken well before taking. Has it reached its crest? Will it recede?

The only way to get an idea of the probable course of events is to present the views of the opposing factions.

To begin with the anti-saloon forces. They point to the fact that this is no sudden fad. Their work has been going on for decades. For twenty years it has been highly organized. Some States slip back, they say, but not many. In more States, once adopted, prohibition sticks and modifying measures, like proposals to admit beer but hard liquors, are defeated decisively.

Colorado, Oregon, Washington defeated beer amendments on November 7. Arkansas and Arizona downed license proposals.

The anti-saloon forces point to Oregon as their banner State. Oregon has gone "bone dry." Almost every prohibition State simply bans the manufacture and sale of liquors. The residents may usually have drinks shipped in to him. But Oregon has gone the ultimate in aridity. Nothing, not even a wink or a smile, can be shipped across her State line when the new amendment goes into effect. That was her decision after a trial of prohibition she did not repudiate but strengthened it.

There are but six wet States west of the Mississippi. They are Missouri, Texas, New Mexico, Wyoming, Nevada and California. Missouri and California were saved from going dry on November 7 only by the vote of St. Louis and San Francisco.

Further, your enthusiastic dry points to Texas, Ohio, Indiana and Minnesota as States likely to go dry within a year or so. Vermont and New Hampshire, backsliders both, are expected to hit the sandy trail again. Possibly Delaware as well.

Another prohibitionist hope which is affirmed with the utmost earnestness, no matter how it sounds to other ears, is that in the Presidential campaign of 1920 liquor will be a national, not a State, issue. It is predicted that there will be declarations in the platforms of both parties for prohibition. The

Democrats intend to adopt the plank, they assert, and the Republicans will have to do so or commit suicide.

One of the curiosities of the situation is that the West and the South, which went for Mr. Wilson, are the very sections where prohibition has made most progress. California, as may be seen by a glance at the black and white map, is largely dry, and it is described as the deciding State. This is only a coincidence, but it is a striking coincidence nevertheless.

Indiana, Kentucky, Louisiana, Minnesota, Missouri, New Hampshire, Texas and Vermont are from 50 per cent. to 90 per cent. dry. Should the dry vote combine solidly, therefore, it could elect a President, for by carrying the dry States and the near dry third of the States most ratify it before it becomes law.

Another dry prediction is that Congress this winter, at least the lower house, will again give a majority vote to a national prohibition amendment to the Constitution to be submitted to the States. It takes a two-thirds vote to pass the amendment, and two-thirds of the States must ratify it before it becomes law.

The liquor men's view of the matter is that the prohibition movement will subside. They doubt if it goes much further, in fact. Most of them frankly admit that the movement gained a great deal of support because of the way many saloons were conducted. They are making it their business, they say, to reform the saloons, and they assert further that they are making progress. By stamping out evils relentlessly they believe they can convince the public that the saloon, properly conducted, is not a menace.

They point to the defeat of the drys in California and Missouri, to the backsliding States, to Baltimore, which defeated a dry proposal by a huge majority, for the reason, they say, that the careful regulation of Baltimore saloons has made that city tolerant.

They doubt if even a national amendment would stop drinking. All the Hobson amendment proposes is to stop the manufacture for sale, they point out, and they say every man who wanted liquor would promptly become his own distiller or brewer. This is what happened in Sweden, they say, when Sweden tried national prohibition, and because of this development it went back to license, with a heavy tax on spirits and almost no tax on beers and light wines.

Col. Gustave Pabst of Milwaukee, president of the United States Brewers Association, when in New York last week said:

"Under the conditions here noted, the fact that the cities are strongly opposed to prohibition. In States adopting prohibition it is forced upon them against their will and protest by the votes of the rural populations. That has been the invariable experience. The residents of those regions which have few drinking places or none impose or seek to impose their notions upon the residents of urban communities without regard to the principle of home rule or real knowledge of conditions in the centers of population."

"The association of which I have the honor to be president will continue its warfare upon prohibition, which involves the destruction of property without compensation and which is contrary to the wish of the great majority of the American people. I know I speak for my fellow officers and the sentiments of the membership of the association."

Does prohibition prohibit? If it does, that is, if drinking is stopped or even decreased in the dry States, why then the rest of us are becoming noble toppers, for the consumption of alcoholic beverages is showing little change.

In 1906, for example, there were 138,057,345 gallons of spirits distilled from materials other than fruits with drawn from the warehouses on payment of tax. These are figures reported by the Internal Revenue Commissioner and they are as close as one can get to the annual consumption. They bear only indirect relation to the amount of liquor made in that year; they show the amount actually put on the market.

In 1905, this consumption was 215,557,323; in 1913 it had risen to 278,784,540 gallons. High water mark was reached in the fiscal year ended June 30, 1914, with 292,036,460 gallons. In 1915, the amount withdrawn decreased to 253,668,341 gallons. W. H. Osborn, Commissioner of Internal Revenue, commented in his annual report on the figures as follows:

"Under the conditions here noted, no material increase in revenue from distilled spirits during the current fiscal year can be reasonably expected. Indeed, a gradual decrease in the annual receipts from this source may, I think, be safely predicted."

"The conditions here noted" were the increasing number of dry States and portions of States.

There were enthusiastic drys who hailed the decrease of 1915 as the beginning of the decline. But this is the liquor men's answer:

"The Government fiscal year 1915 covers the last half of 1914 and the first half of 1915. These were hard times, as every one bitterly remembers. The consumption of liquors, as



YOU ARE HEREBY SUMMONED TO DUTY AS A JUROR

Then follows a period of storm and stress.

HALF after 9 o'clock Monday morning. A drearily persistent rain is streaking the office window. In the letter basket lies a communication from Sorhead & Gumm, Inc., beginning "We are not at all satisfied with the way matters have been going lately." The paper lies open at the sporting page, which announces that the variety is in a serious slump and that Coach Bushup is most dubious about the outcome of Saturday's game with the heavy mauve team from West Virginia.

The door opens slowly and with an air of mystery, and a gentleman with a reddish nose slides toward the desk bearing a slip of paper. This he deposits on the desk and backs apologetically out. The words "You are hereby summoned," and "Supreme Court" glower at you.

Your heart leaps up. Your scalp tingles. With fluttering fingers you pick up this odious talisman. You read it through. A sick shiver escapes you. It is not a summons at any rate. You read it again. A jury notice!

After dinner that night your wife says she will put it in a safe place and you think no more about the notice until the following Monday morning while you are shaving. Then you cut yourself and inquire as to the whereabouts of that confounded notice.

It must be in the big yellow jar on the mantelpiece. But it isn't, nor is it in the coat closet, nor the desk drawer, nor the thing that Aunt Susan gave us, nor in the letter rack, nor in your inside wastebasket pocket, where your wife remembers very distinctly you put it that night when you came home so cross from the office.

And then, Noph, on being appealed to, recalls that she hardly ever remembers like it on that table. But this proves to be the notice from the life insurance company that November's premium is now due, and there follows a period of storm and stress, as the German writers so plausibly call it, and for ten minutes you're mad, mad, mad.

Of course, you can't remember what court it was that needed you so badly. You are a hard working business man. You seem to ask the folk in the next apartment if any one takes you for a Supreme Court Justice or Chancellor of Martin W. Littleton, and when there is no response to this you close the outside door on the ruins you have builded and go down to the office of the Commissioner of Jurors.

This pitiful tale rehearsed so frequently en route loses any aspect of nonchalance it might have possessed once it is spoken aloud amid official surroundings.

"So you lost your jury notice?" Through uplifted heavy lensed glasses a cold eye looks down on you. Its owner raises his voice. "Hey, Jake. Here's a taleman's lost his notice."

Jake strides forth to view an unusual example of incompetence. After an interval Jake wants to know what court it is. Your masterly futility is further exposed. Jake turns to the eye. "He doesn't know what court it is?" The eye turns once more on you. "If you can't remember what court it is you will have to have a duplicate made out over there," indicating a desk at which a formidable old gentleman is writing. After much preliminary display of frightfulness on the part of the old gentleman he suddenly and charmingly unbends and your hurry across the street to the court house with your duplicate notice in your hold hand.

At the head of the third flight of stairs a large, baldish, puffy person in an old fashioned Prince Albert coat with brass buttons on it is crying out: "MacLester. Campbell. MacLester. Campbell."

You pause, fascinated by this singular summons which echoes round and round the stone walled rotunda. And then it comes to you that somehow there is something familiar about this bizarre arrangement of vowels. You strain to listen. Of a sudden the

horrendous fact bursts in upon your dazed senses. It is your name that this terrifying man is chanting.

"Are you MacLester Campbell?" he wants to know, and then, "Answer to the roll call, Part Eleven." Behind the green doors is a roomful of unhappy souls and another vocal official. He is shouting, "MacLester Campbell!" but you speedily put an end to that by piping "Here!" to the obvious amusement of all the other talemen.

No sooner have you sunk into an inconspicuous seat than you are startled out of it by a trumpet in the hall and the announcement "The Justice of the Court. All rise."

A series of pressing business conferences, conscientious objections, sudden weaknesses of the flesh and uncountable overnight disasters are laid before the Justice and disposed of, and the first case is called.

At this moment, while searching for a handkerchief, you come across the original jury notice just where you said it was, in the wallet in your inside waistcoat pocket. The clerk has flashed your name from his fascinating giant reel thing before you have secured yourself that you looked in that wallet time and again and now it hit in there is beyond you.

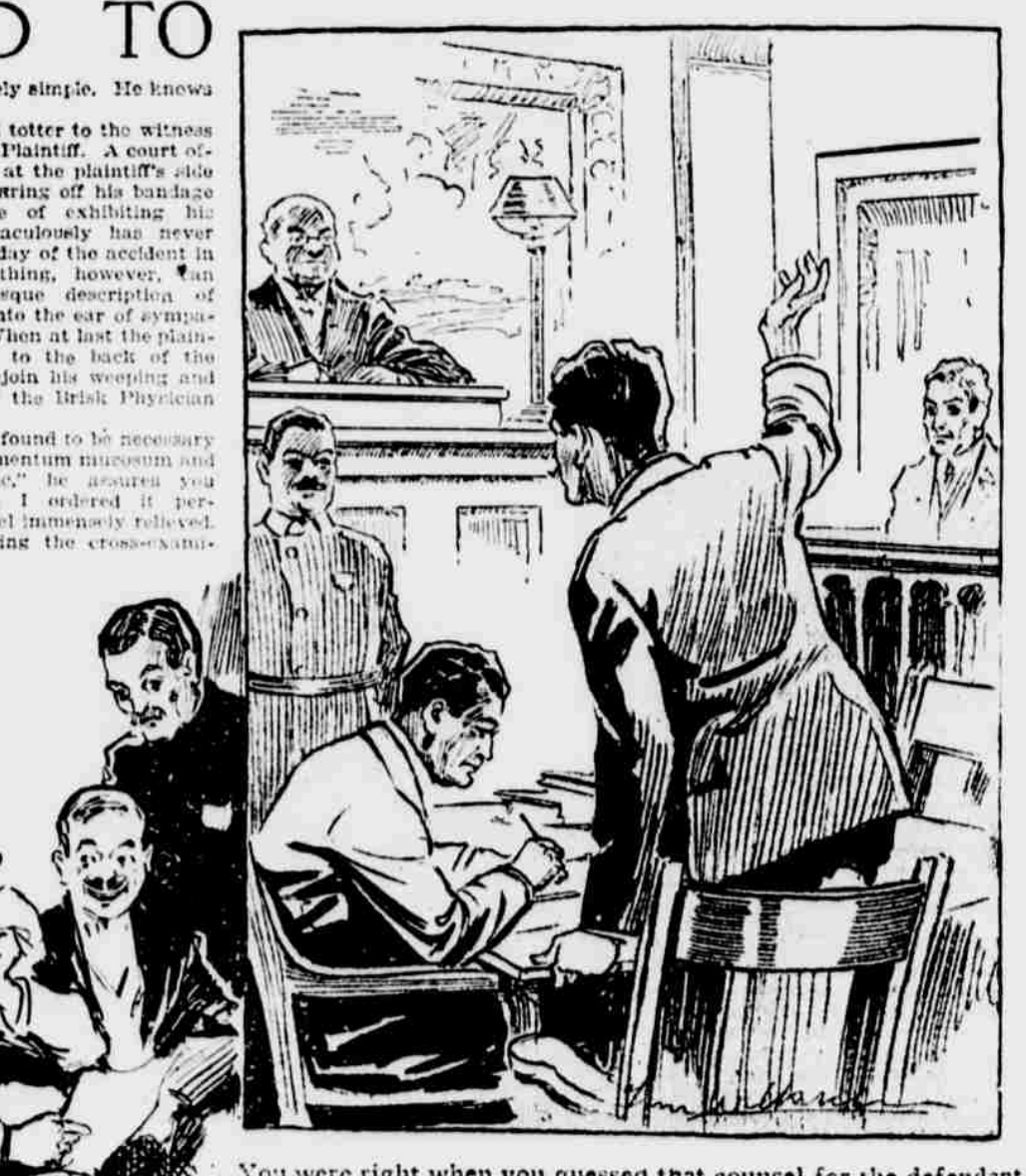
The twelve chairs filled, the lawyer with the horn rimmed spectacles begins to ask every one the same questions. None of the twelve admitting any intense distaste for damage suits, insurance companies or corporations, the other lawyer rises and asks the same questions all over again and you need only listen to three or four such cases to discover that all damage suits have certain fundamental and apparently indefeasible rules. For example, it is the object of the defense to prove that the plaintiff flung himself headlong into the machine or onto the stairway where the accident occurred with the malicious intention of cutting off his arm or leg for the purpose of damaging the character and pocketbook of the owner of said stairway or machine.

On the other hand, it is the object of the plaintiff's counsel to prove that the machine or stairway reached out and seized the plaintiff while the latter was devoting his life to his employer's business and devoured parts of the plaintiff's anatomy with malice aforethought. If there is any vague notion that employers' liability laws and the like have put an end to such notions a day in court will speedily dispel you of it.

With these principles firmly established in his mind the part of a juror becomes exquisitely simple. He knows what to expect.

First there will totter to the witness chair the Broken Plaintiff. A court officer is stationed at the plaintiff's side to prevent his tearing off his bandage for the purpose of exhibiting his wound that miraculously has never healed since the day of the accident in May, 1911. Nothing, however, can stop his Danteque description of agonies poured into the ear of sympathetic counsel. When at last the plaintiff has crawled to the back of the court room to rejoin his weeping and numerous family the British Physician takes the stand.

A suture was found to be necessary between the ligamentum mureum and the synovial sac," he assures you pleasantly. "And I ordered it performed." You feel immensely relieved. Inevitably during the cross-examination



You were right when you guessed that counsel for the defendant would show that it was an impossibility.

you came to the testimony of the Willing Employee. He says that he has worked for the defendant for twenty-five years and will work for him until he dies. Here is a sturdy, manly sort of old time worker, you reflect, none of those newfangled notions of the superiority of labor about him and you look after him with a paternal smile as he retires to sit beside the shop superintendent on the first row of benches.

The Benevolent Employer tells how he provided neat iron guards over all his machines, and then comes the summing up.

If you are sitting in front and are not used to it, it is rather startling at first when the defendant's counsel begins. Up to this time he has asked his questions and made his objections in a normal speaking voice. But when he opens his summing up he leaves that at the table with the bag with all the papers and the saturnine assistant who has leered so significantly at you while the plaintiff's witnesses were testifying and launches out in his regular summing up voice. You can soon grow accustomed to this, just as people do who live above the elevated on Ninth avenue, and after a while you don't even jump when he hits the rail beneath your nose.

The other lawyer is more confident. He leans over and tells you in well modulated tones just what a pack of horse thieves have been testifying for the defendant, and then you are charged and go up stairs to the jury room in the custody of the man with the Prince Albert.

There is a long table in the middle of this room and a window which gives you a birdseye view of the street. The about half an hour after the door closes on you, posturing greatly increased. Presently the foreman declares that the man who is shouting, "He didn't tell! I tell you, gentlemen, he didn't tell. He went to do it," is entitled to the floor.

On all sides there is one man who turns his back on the rest and looks moodily out of the window. There is also one who tips his smelly about waving his hands and cooing "Gentlemen, let's get together." And one who says, "Not if we stay here all night."

As dinner time approaches telephone numbers are scribbled on pieces of paper and thrust through the door at Prince Albert. "She will never believe me—never," says the cynic at the window and thereafter is mute.

By 9:30 the man who once worked for an insurance company and lost his all the dreary day you go on but the jury just how much the plaintiff should receive and the verdict is written and impressively sealed.

Through echoing corridors deserted of the pathetic, unscrupulous, hopeful, despairing men and women who fill the hall on the day of the trial, the clear night, beneath the incandescent stars, twelve good men and true stewards of justice, very hot and tired, wondering where at this hour you can get a bite to eat.